

## UNITED STATES DISTRICT COURT

for the

District of New Mexico



In the Matter of the Search of  
 (Briefly describe the property to be searched  
 or identify the person by name and address)

The person of William Ramon Todacheene  
 Year of Birth: 1998

{ } { }

Case No. 22 MR 1772

FILED  
 United States District Court  
 Albuquerque, New Mexico

Mitchell R. Elfers  
 Clerk of Court

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The person of William Ramon Todacheene  
 Year of Birth: 1998

located in the \_\_\_\_\_ District of New Mexico, there is now concealed (identify the person or describe the property to be seized):

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;  
 contraband, fruits of crime, or other items illegally possessed;  
 property designed for use, intended for use, or used in committing a crime;  
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. § 1153	Offenses committed in Indian country
18 U.S.C. § 113(a)(6)	Assault resulting in serious bodily injury

The application is based on these facts:  
 See attached affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet.  
 Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Alyson Berry, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
 telephone \_\_\_\_\_ (specify reliable electronic means).

Date: 11/30/2022

Judge's signature

B. Paul Briones, U.S. Magistrate Judge

Printed name and title

City and state: Farmington, New Mexico

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:  
The person of William Ramon Todacheene,  
DOB XX/XX/1998, SSN XXX-XX-7633

Case No. \_\_\_\_\_

**AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT**

I, Alyson Berry, being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the person of William Ramon TODACHEENE, date of birth: XX/XX/1998, social security number: XXX-XX-7633, for the purpose of obtaining fingerprints and deoxyribonucleic acid (DNA) by collecting oral (buccal) swab samples according to the standard practices and procedures employed by the FBI for fingerprint and DNA testing and comparison. Based on the facts set forth in this affidavit, there is probable cause to believe that TODACHEENE violated federal criminal statutes, including but not limited to United States Code Title 18 § 1153 Crimes committed in Indian Country, and United States Code Title 18 § 113(a)(6) Assault resulting in serious bodily injury, and that TODACHEENE's DNA will provide evidence of such crimes.

2. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation ("FBI") and have been employed as such since July 2020. I am currently assigned to the Albuquerque Division of the FBI, Farmington Resident Agency. I have investigative responsibility for investigating crimes that occur in Indian Country, including violent crimes such as murder, robbery, arson, aggravated assault, and sexual assault as well as other federal crimes that occur outside of Indian Country. I am trained and have experience in the investigation of violent crimes and crimes involving firearms and narcotics. In 2021, I

attended the Advanced Indian Country Investigations course which included best practices for evidence collection and murder investigations. I have served arrest and search warrants and am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. As a result of my training and experience and my knowledge of this investigation, I know that various objects may be used as weapons, particularly in instances involving assault. Additionally, I am also aware that when individuals handle various objects, their DNA is often left behind and is detectable by lab technicians.

4. This affidavit is based upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and tribal law enforcement officers who have directly participated in this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

5. This affidavit is intended to show there is probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. The statements in this affidavit are based on my personal knowledge, information that I have received from other law enforcement personnel, and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are sufficient to establish probable cause to obtain the requested warrant.

**PROBABLE CAUSE**

6. On October 19, 2022, Criminal Investigator Rosina Ford (CI Ford), Navajo Nation Department of Criminal Investigations (NNDCI), was contacted at her office in Dzilth-Na-O-Dilthe. In the adjoining Navajo Housing subdivision, an individual witnessed a male,

identified with initials J.B. and year of birth 1985 (hereafter referred to as John Doe) laying on the ground with a man standing over him holding a sledgehammer. The witness, who also lived in the neighborhood, did not approach the scene and was not close enough to identify either person. The incident occurred in front of TODACHEENE's residence.

7. CI Ford responded to the scene, where she discovered John Doe laying on the sidewalk of TODACHEENE's residence, badly bleeding. He had a gash to his head and was unresponsive. CI Ford observed (and later collected), a sledgehammer on the ground next to John Doe. The sledgehammer appeared to have spots of blood on it as well. CI Ford rendered aid and called for emergency medical services. John Doe was taken by ambulance to San Juan Regional Medical Center, where he was treated for several days. CI Ford collected the sledgehammer and samples of a red substance, presumed to be blood, from the sidewalk.

8. While visiting her son at the hospital, the mother of John Doe, identified with initials M.B. and year of birth 1947 (hereafter referred to as Jane Doe 1), asked John Doe who hit him with the sledgehammer. John Doe hesitated to tell his mother, because the man who assaulted him was a friend. After asking her son a few times, John Doe finally identified TODACHEENE as the person who assaulted him.

9. John Doe was also visited by his sister at the hospital, identified with initials M.B. and year of birth 1988 (hereafter referred to as Jane Doe 2). While at the hospital, John Doe did not tell his sister who assaulted him. However, after he was released from the hospital on October 22, 2022, the two spoke again, and John Doe identified TODACHEENE a second time. Jane Doe 2 witnessed John Doe at TODACHEENE's residence in the early morning hours on the day of the assault, and the John Doe and TODACHEENE communicated regularly for days prior to the assault.

10. Jane Doe 2 attempted to retrieve her brother's cell phone from TODACHEENE after the incident. TODACHEENE told Jane Doe 2 that he did not have the phone. Jane Doe 2

called the phone, which was answered by TODACHEENE's brother who lived nearby and was not involved in the incident between TODACHEENE and John Doe. TODACHEENE's brother told Jane 2 that TODACHEENE did, in fact, have the phone after the fight with John Doe. TODACHEENE's brother dropped the phone off at Jane Doe 2's residence.

11. After being released from the hospital, John Doe 1 returned to the residence he shared with his mother. On November 5, 2022, Jane Doe 1 checked on John Doe, who was asleep in his room when she got home from work. John Doe appeared to be sleeping face down on a pillow. Worried he would suffocate, Jane Doe 1 tried to turn John Doe's head and remove the pillow so he could breathe properly. Jane Doe 1 realized her son was cold and that he had died sometime that day. Jane Doe 1 called for help. Law enforcement and an investigator from the Office of Medical Investigations (OMI) responded. OMI took John Doe's body for an autopsy.

12. DNA samples in the form of a blood card are routinely produced from autopsies performed by OMI. The blood cards are then transferred with the decedent's personal belongings to the law enforcement entity who initiated the OMI investigation; in this case, the Farmington Resident Agency of the FBI. The blood card can then be used for investigative purposes, including DNA comparison.

13. Based on my training and experience, it is feasible TODACHEENE's DNA is potentially on the items seized at the scene by CI Ford. If John Doe attempted to defend himself and injured TODACHEENE, it is feasible TODACHEENE may have bled on the sidewalk or on the sledgehammer. Using the blood card provided by OMI for John Doe, as well as the collection of a buccal swab from TODACHEENE, DNA comparison can be made to determine whose blood and/or DNA is on the sledgehammer and sidewalk, potentially placing TODACHEENE at the scene definitively. Additionally, his fingerprints may be present on the weapon used to assault John Doe.

14. I intend to send the sledgehammer and swabs to the FBI Laboratory for latent fingerprint and DNA testing. I will request the laboratory compare any potential DNA found on the sledgehammer and swabs to the DNA of both TODACHEENE and John Doe.

15. Both TODACHEENE and John Doe are registered members of the Navajo Nation. This incident occurred within the exterior boundaries of the Navajo Nation Indian Reservation.

### **CONCLUSION**

16. Based on my training, experience, and the facts as set forth in this affidavit, there is probable cause to believe that violations of United States Code Title 18 § 1153 Crimes committed in Indian Country and United States Code Title 18 § 113(a)(6) Assault resulting in serious bodily injury, were committed by TODACHEENE and that evidence of such violations will be found on the person of William Ramon TODACHEENE, date of birth: XX/XX/1998, social security number: XXX-XX-7633, in the form of DNA. Said DNA is relevant and material in the context of forensic evaluation with regard to establishing TODACHEENE's participation in relation to the present investigation.

17. I respectfully request a search warrant be issued to search the person of William Ramon TODACHEENE, date of birth: XX/XX/1998, social security number: XXX-XX-7633, for the purpose of obtaining deoxyribonucleic acid (DNA) to compare with any DNA found on the evidence items mentioned above.

18. Supervisory Assistant United States Attorney Elisa Dimas reviewed and approved this affidavit for legal sufficiency to establish probable cause.

Alyson Berry  
Alyson Berry  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn before me this 30th day of November 2022.

B. Paul Briones  
B. Paul Briones  
United States Magistrate Judge

ATTACHMENT A

1. The person of William Ramon TODACHEENE, date of birth: XX/XX/1998, social security number: XXX-XX-7633, a Native American male.

ATTACHMENT B

Property to be Seized

From William Ramon TODACHEENE, date of birth: XX/XX/1998, social security number: XXX-XX-7633:

1. Deoxyribonucleic Acid (DNA) Sample
2. Fingerprints